

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:19-cr-413-DPM

**RONALD SMITH
Reg. No. 32861-009**

DEFENDANT

ORDER

Smith moves for immediate release under 18 U.S.C. § 3582(c)(1)(A)(i). He was recently diagnosed with a form of skin cancer. His tumor was removed, but he says that he's suffering from a regional pain disorder and that his incarceration complicates treatment. Smith also reports that he has a mass on his right lung that will need testing. The warden denied his request for release in October, so he can seek relief from this Court. 18 U.S.C. § 3582(c)(1)(A).

The governing statute requires the Court to consider the § 3553(a) factors in deciding whether to grant compassionate release. 18 U.S.C. § 3582(c)(1)(A). Some factors weigh in Smith's favor. He's done well in custody. He completed the drug education class and is continuing in drug treatment. He is currently enrolled in GED classes. That's good work. And his conduct in the underlying offense—illegally possessing a gun—wasn't violent. But Smith has a long criminal history. His criminal history score was twenty-seven, more than double the score

necessary to place him in the highest criminal history category. While Smith has spent a long time in custody, he's still asking to be released almost two years early. That would not reflect the seriousness of his crimes, justly punish him, promote respect for the law, or promote deterrence. And, while the Court is sympathetic to Smith's health issues, he is receiving treatment.

All material things considered, the statute's remedy—reducing Smith's sentence to time served—is not appropriate in this case. His motion, *Doc. 83*, is therefore denied.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

3 February 2025